

United States Court of Appeals
For the Eighth Circuit

No. 14-2690

United States of America

Plaintiff - Appellee

v.

Lowell Duane Johnson

Defendant - Appellant

Appeal from United States District Court
for the Northern District of Iowa - Sioux City

Submitted: January 14, 2015

Filed: January 20, 2015
[Unpublished]

Before SMITH, GRUENDER, and BENTON, Circuit Judges.

PER CURIAM.

Lowell Johnson directly appeals following the district court's¹ revocation of his supervised release. For reversal, he argues that the court (1) erred in finding that

¹The Honorable Mark W. Bennett, United States District Judge for the Northern District of Iowa.

he violated his release conditions, and (2) imposed an unreasonable revocation sentence.

We conclude that the court did not abuse its discretion in revoking supervised release, given the court's finding that Johnson had violated multiple release conditions, based both on Johnson's admissions and the testimony of his probation officer, which the court was entitled to credit. See 18 U.S.C. § 3583(e)(3); United States v. Carothers, 337 F.3d 1017, 1019 (8th Cir. 2003) (standard of review; court's credibility determinations at revocation hearing are virtually unreviewable on appeal). We also conclude that the court did not impose an unreasonable sentence. The court carefully explained its sentencing decision, commenting on Johnson's repeated violations of his release conditions, the seriousness of the violations, his lack of candor with his probation officer, and other relevant matters. See United States v. Miller, 557 F.3d 910, 915-16 (8th Cir. 2009) (standard of review); United States v. Thunder, 553 F.3d 605, 608-09 (8th Cir. 2009) (revocation sentence above advisory range was not substantively unreasonable where defendant repeatedly violated supervised release); United States v. Larison, 432 F.3d 921, 924 (8th Cir. 2006) (affirming statutory maximum revocation sentence where district court justified decision by giving supporting reasons).

Accordingly, we affirm the judgment of the district court. We also grant counsel's motion for leave to withdraw.
